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State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

August 24, 2011

Vern Tharp
Moss Rock Products, LLC
5040 Acoma Street
Denver, Colorado 80126

Re: Denial of Bond Release and File Closure, Moss Rock Products, LLC., Moss Rock Mine, S/049/0059, Utah County, Utah

Dear Mr. Tharp:

On April 21, 2011, the Division of Oil, Gas and Mining received your request to close the file for the Moss Rock mine located in Utah County, Utah, and release the reclamation surety for this site. On June 8, 2011, the Division inspected the site and found that the required reclamation work has not been completed satisfactorily. Therefore, the Division cannot close this file or release the reclamation surety at this time. A copy of the inspection report is attached.

The access road construction was permitted as a mining disturbance under the Notice of Intention to Commence Small Mining Operations (NOI). Your original NOI requested that this road be left to access your property after mining is completed. This is acceptable, but there are some aspects relating to road construction that need to be addressed.

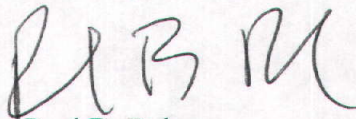
It was noted during the site inspection that the cut and fill slopes have little vegetation making them more subject to erosion. It was also noted that the road was constructed much wider than the NOI indicated. About half way up the road, there was a section that had been rutted and needs to be repaired. Suggested repairs are to regrade this section and add a layer of gravel to prevent future rutting. These tasks need to be completed before the Division can close this file.

Please note, that other agencies (i.e. Utah County) may have additional requirements before they will allow the road to remain. Please contact Peggy Kelsey (801) 851-8353 with the Utah County Planning Office to discuss their requirements.

Page 2 of 2
Vern Tharp
S/049/0059
August 24, 2011

If you have any questions or concerns regarding this letter, please contact me at 801-538-5261 or Lynn Kunzler 801-538-5310. In response, Please reference our file number S/049/0059 regarding this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'P B M', written in a cursive style.

Paul B. Baker
Minerals Program Manager

PBB:lk:eb

attachment: June 8, 2011 Inspection Memo

cc: Peggy Kelsey, Utah County (peggyk@utah.gov)

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